

PAUL HASTINGS

April 26, 2024

VIA ECF

Hon. Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street, Courtroom 23A
New York, NY 10007

MEMO ENDORSED

Re: United States v. Menendez, et al., No. S4 23 Cr. 490 (SHS)

Dear Judge Stein:

On behalf of Senator Robert Menendez, we respectfully submit this letter to request an order directing the government to comply with the Court's prior order requiring pretrial disclosure of the government's exhibit list. To date, the government has failed to disclose the actual exhibits it intends to offer at trial. It has instead provided a purported "exhibit list" identifying over 38,000 possible exhibits, nearly all of which it concededly does not intend to seek admission of at trial. As discussed below, the government's continued refusal, after extensive meet and confers, to identify its "true" trial exhibits now requires the Court's intervention.

The Court originally ordered the government to produce all Section 3500 materials and its exhibit list by April 15, 2024. *See* ECF No. 247. The government sought extensions of that deadline twice, and ultimately agreed to produce the materials on April 19, 2024. *See* ECF No. 341; *see also* April 19, 2024 Transcript at 12. At each point, the government represented that it had its trial exhibits ready for production to the defense. *See* ECF 318 at 4 (April 14 letter from government stating "the Government is ready to produce 18 U.S.C. § 3500 material and trial exhibits tomorrow"); *see also* ECF 336.

On April 19, the government produced an "exhibit list" that purported to contain 1,435 numbered "exhibits." However, upon further review, we discovered that the government's exhibit list actually included **38,000 separate exhibits**. Put simply, the government's exhibit list was not a list of exhibits to be offered at trial at all. Instead, the government's list grouped together hundreds, and sometimes thousands, of standalone exhibits, only some of which it actually intends to offer at trial, and listed these collectively as a single exhibit, without identifying which documents in this morass it actually intends to offer as a trial exhibit.

April 29, 2024
Menendez's request to order certain production by today is denied in light of the progress made in the past 72 hours as reflected in ECF Doc. 362 filed today. The parties are directed to avoid needless motion practice, which wastes everyone's time.

So Ordered
Sidney H. Stein
U.S.D.J.